

**ZB# 96-2**

**William Helmer /  
Insul Sash**

**4-3-17.4**

Prelim.

January 22, 1996

~~8/17~~?

Notice to Sentered 7/5/96.

Public Hearing:

February 26, 1996

Need copy of:

① Deed at hand

② Fees Paid & Paid

Letters out

8/6/96

Public Hearing?

Feb. 26, 1996.

Area Variances

approved.

Refund: \$385.00

#96-2- Insul-Sash

4-3-17.4. area

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

# GENERAL RECEIPT

15250

February 2 19 96

Received of Insel Lash of Hudson Valley \$ 150.00  
One Hundred Fifty and 00/100 DOLLARS

For Zoning Board #96-2 Application Fee

DISTRIBUTION:

FUND	CODE	AMOUNT
Chk # 31147		150.00

By Dorothy H. Hansey

Town Clerk

Title

FUND	CODE	AMOUNT
Ch 31147		150.00

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

By Worthy H. Hansen  
Town Clerk  
 Title

Ted:  
 567-1300



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Insul-Sash

FILE # 96-2

RESIDENTIAL: \$ 50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE . . . . . \$ 150.00

\* \* \* \* \*

ESCROW DEPOSIT FOR CONSULTANT FEES . . . . . \$ 500.00

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE	1/22/96 - 5 pages	\$	<u>22.50</u>
2ND PRELIM. MEETING - PER PAGE	2/26/96 - 5 pages	\$	<u>22.50</u>
3RD PRELIM. MEETING - PER PAGE		\$	
PUBLIC HEARING - PER PAGE		\$	
PUBLIC HEARING (CONT'D) PER PAGE		\$	
TOTAL		\$	<u>45.00</u>

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING	1/22/96	\$	<u>35.00</u>
2ND PRELIM.	2/26/96	\$	<u>35.00</u>
3RD PRELIM.		\$	
PUBLIC HEARING		\$	
PUBLIC HEARING		\$	
TOTAL		\$	<u>70.00</u>

MISC. CHARGES:

	\$	
TOTAL	\$	<u>115.00</u>

LESS ESCROW DEPOSIT	\$	
(ADDL. CHARGES DUE)	\$	
REFUND DUE TO APPLICANT	\$	<u>385.00</u>

(ZBA DISK#7-012192.FEE)

#31147  
paid  
2/1/96  
#3148  
paid  
2/1/96

Date ..... March 5 ....., 19...76.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Insul-Sash of Hudson Valley DR.  
Two Executive Drive  
New Windsor, NY 12553

Charge: ZBA

[illegible]

CKH Ind. Inc. dba  
**INSUL SASH OF HUDSON VALLEY**  
TWO EXECUTIVE DRIVE  
NEW WINDSOR, NEW YORK 12553

FLEET BANK  
UNION AVENUE OFFICE  
NEWBURGH, NEW YORK 12550-2983

31147

CHECK

29-1/213

PAY ONE HUNDRED FIFTY DOLLARS \* \*

DATE

AMOUNT

1/24/96

\$150.00

TO THE TOWN OF NEW WINDSOR  
ORDER  
OF

ZBA #96-2

AUTHORIZED SIGNATURE

⑈031147⑈ ⑆021300019⑆ 512 9912369⑈

CKH Ind. Inc. dba  
**INSUL SASH OF HUDSON VALLEY**  
TWO EXECUTIVE DRIVE  
NEW WINDSOR, NEW YORK 12553

FLEET BANK  
UNION AVENUE OFFICE  
NEWBURGH, NEW YORK 12550-2983

31148

CHECK

29-1/213

PAY FIVE HUNDRED DOLLARS \*\*

DATE

AMOUNT

1/24/96

\$500.00

TO THE TOWN OF NEW WINDSOR  
ORDER  
OF

ZBA #96-2

AUTHORIZED SIGNATURE

⑈031148⑈ ⑆021300019⑆ 512 9912369⑈

In the Matter of the Application of

HELMER/INSUL-SASH OF HUDSON VALLEY

MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCES

#96-2.

**WHEREAS, WILLIAM F. HELMER**, of Grey Beech Lane, Village of Pomona, Haverstraw, New York, owner, and **INSUL-SASH OF HUDSON VALLEY**, 2 Executive Drive, New Windsor, New York 12553, as contract vendee, have made application before the Zoning Board of Appeals for a 26 ft. front yard (on Wembly Road) and 16 ft. maximum building height variances for construction of a commercial building on the west side of Route 300 in a PI zone; and

**WHEREAS**, a public hearing was held on the 26th day of February, 1996 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared before the Board for this proposal by Donald Witfield, AIA; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.
2. The evidence presented by the Applicant showed that:
  - (a) The property is a commercial property located in a PI zone.
  - (b) The property is located in a commercial park which contains a number of large commercial buildings.
  - (c) Although the building sits on what appears to be a large site, because of its

construction and location the portion of that site that can be built upon is very small.

(d) Some of the difficulties in conforming with the Zoning Code have been created by its present owner meeting some needs and requests of the Town of New Windsor.

(e) The Town had requested an extra 10 ft. be added to the right-of-way on Wembly Road adjacent to the property, making it a 60 instead of a 50 ft. right-of-way, thereby removing from the property an extra 10 ft. that could be applied to the side yard requirements.

(f) Locating the property in that way has increased the distance along the front yard of the property along Route 300, a busy state highway, from the required 50 ft. to approximately 105 ft.

(g) The Applicant is desirous of entering the property off of Wembly Road so as not to create traffic over an existing sewer line, all at the request of the Town.

(h) Although not on the property per se, the visual effect will be reduced because the observer will see lawn prepared right to the edge of the pavement thereby removing the building visually from the edge of the pavement of the driver by.

(i) With respect to the height variance, the building is built partially into the ground and that together with the aforementioned lawn area make this a peculiar and individual application.

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial but nevertheless should be granted.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created because the building has not yet constructed. The shape of the property and the requests and requirements of the Town of New Windsor which necessitate this application are not self-created.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

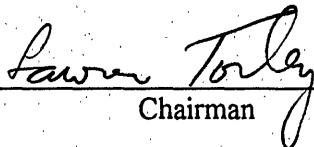
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT 26 ft. front yard (Wembly Road) and 16 ft. maximum building height variances for construction of a commercial building on the west side of Wembly Road, in a PI zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 12, 1996.

  
Chairman

Date 3/4/96 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Ruth 147 Sycamore Dr. DR.  
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
2/26/96		Zoning Board Meeting	75.00	
		Misc - 1		
		Sxlg - 21		
		74 H Realty - 4		
		Wal-Mart - 10		
		<del>Board Secy</del> 5 \$22.00		
		Abbott - 3		
		44 pgs	198.00	
			273.00	

~~INSUL-SASH~~

Mr. Donald Witfield appeared before the board for this proposal.

MR. NUGENT: Request for 26 ft. front yard (Wembly Road) and 16 ft. 0 in. maximum building height variances for construction of a commercial building on west side of Route 300 at Wembly Road in a PI zone.

MS. BARNHART: For the record, on February 6, I sent out 24 addressed envelopes containing the attached notice of public hearing and this is the affidavit of service by mail that I filled out.

MR. NUGENT: Okay, don.

MR. WITFIELD: My client, who is Scott Keegan, is the other partner that you didn't meet at the last meeting is here tonight for Insul-Sash. They want to put up a quality office building on the site that you had mentioned. Although we can see it's a large site, because of the peculiarities of the situation right there, the land that can be built on is very small. And in putting this overlay over it, this inside the inner red lines are really that is all that is left out of the site, so if you take 160 foot wide site, you have a spot smaller than this room that you can build on.

MR. KRIEGER: In essence, that is because of the green area that you have provided.

MR. WITFIELD: No, there's some hardships that are created by some peculiar situations of the town's needs there and we have had some meetings with the supervisor and the town engineer, actually they were the ones who suggested we come and seek an appeal because we think it's the best.

MR. KRIEGER: With respect to?

MR. WITFIELD: There are two sewer lines going through there.



MR. KRIEGER: Sewer lines, anything else?

MR. WITFIELD: Also--

MR. KRIEGER: Drainage?

MR. WITFIELD: No, drainage is okay. But the town had requested extra ten feet on Wembly Road instead of that being a 50 foot wide right-of-way, they wanted a 60 foot wide right-of-way, so that took an extra ten foot of the side of the site. If we looked at this as a normal zoning requirement for side yards, we comply but because Wembly Road is the second main road we have in essence two front yards that we have to contend with. There's a lot of distance the front yard along Route 300 although it's only required to be 50 feet is about 105 feet, I believe, and there again that is when we met with the town engineer out there and trying to keep out of the sewer line also we didn't want to enter a driveway off of Route 300 which is pretty heavily traveled road, we wanted to come in off Wembly Road and it was decided that we really didn't want to have that entrance closer than 75 feet from the corner so that pushed that very far back. So the property in essence is much better than any of the neighbors around there. As you can see on the drawing, the present building that Duggan and Crotty have is very close to the road but we have accepted it for many years as not really a problem. What we're showing is really further off Wembly Road than the present neighbor is off of Route 300 so we do not feel that it will create hardship on the public or anybody else. But the problem is that unless we can gain this variance, the site really becomes an unusable site and New Windsor would also like to see this project or have it used for a commercial development.

MR. KRIEGER: This is located in what could be called a commercial subdivision and there are commercial properties around it? It's a commercial area?

MR. WITFIELD: Yes, it is.

MR. LANGANKE: Can you show me on the map exactly where the variance request is?

MR. WITFIELD: I have got it outlined in red here, here.

MR. KANE: Is that consistent with the other buildings on that road with the town requesting the extra ten feet that they'll be part of, their buildings will also be closer to the road?

MR. WITFIELD: No, this was done originally the industrial park was a fairly large piece of property and this is the only narrow part is right where it ended up and Route 300, there was a strip left between Crotty's building and where this road came out and had this been 55 feet wide, there would have been ten feet more on this property to build on but they had said well we'll consider that later, we really would like to have the 60 feet.

MR. KANE: So in essence of the 20 foot, 16 is what you'd need?

MR. WITFIELD: Yes, that is right. Now on the other side there's a 15 foot right-of-way or setback which is required but the town requested 30 feet for the sewer easement and that is actually more because you can see where it occurs here right on the corner on the diagonal it's 30 feet this way but this direction here is more like 35 feet. Now, one of the considerations that have we looked at was to take the sewer line diagonally, if I can hold this up this way, and that was feasible but then the town determined that it wasn't, it was feasible physically but it wasn't feasible time-wise because they wanted to work contracts and award the contracts and get the contracts started this year so to go through that process was going to delay that project. So they said looking at all the aspects of it, we feel that it would be better if you seek a variance than to try to do that, so if we had the ten feet on one side and the extra 20 feet on the other side, we wouldn't be here for a variance.

MR. LANGANKE: Is Wembly Road an actual 60 foot wide?

MR. WITFIELD: No, the pavement itself is probably 24

feet, why the town wanted the extra footage on that, I don't know.

MR. LANGANKE: So they are really not using it?

MR. WITFIELD: It's not used at all, that is why I say what in effect you'll see this will be lawn right up to the edge of the pavement. There is a lot more there than actually it's 41 feet, I believe, or 42 feet from the edge of the building to the pavement.

MR. LANGANKE: That was my question, thank you.

MR. WITFIELD: It will not appear, this is a technical problem rather than a, when you drive by, it's not going to look like it's right next to the road or anything and the request for the variance for the height is because on the second sheet you're given, there's some elevations and because the building is closer to the road, the height aspects of it, the ratio comes into play.

MR. NUGENT: That is actually to the peak, not to the second floor roof?

MR. KANE: Right.

MR. WITFIELD: Yeah, as you can see the building is built into the ground at that particular point where you measure from.

MR. NUGENT: It's actually right to here, not to here, right?

MR. WITFIELD: Right, this is where we're talking about right here and you measure here to here to here where is it. It's actually a, technically it's a one story building with a basement or two story building but it's one story on Route 300, two stories on the other sides.

MR. NUGENT: Are there are any further questions by the board?

MR. LANGANKE: I don't have any.

February 26, 1996

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MR. NUGENT: Let the record show there are no audience members present for this.

MR. KRIEGER: I have enough.

MR. NUGENT: I'll entertain a motion.

MR. KANE: Mr. Chairman, I move that we approve Insul-Sash application for the requested variances on Route 300 and Wembly Road.

MR. REIS: Second it.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. LANGANKE	AYE
MR. NUGENT	AYE

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

*Prelim.*  
*Jan. 22, 1996.*  
*# 96-2*

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 95-34

DATE: 3 JAN 96

APPLICANT: INSUL-SASH (KEEGAN-CLINE)  
TWO EXECUTIVE DR  
NEW WINDSOR N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 29 NOV 95

FOR (~~SUBDIVISION~~ - SITE PLAN) \_\_\_\_\_

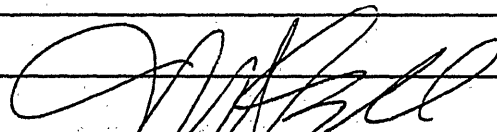
LOCATED AT WEST SIDE RT 300 AT WEMBLEY RD.

\_\_\_\_\_ ZONE PI

DESCRIPTION OF EXISTING SITE: SEC: 4 BLOCK: 3 LOT: 17.4

IS DISAPPROVED ON THE FOLLOWING GROUNDS: \_\_\_\_\_

FRONT YARD AND BUILDING HEIGHT VARIANCES  
REQUIRED.

  
\_\_\_\_\_  
MICHAEL BABCOCK, PE  
BUILDING INSPECTOR

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE	<u>PI</u>	USE <u>A-14</u>	
MIN. LOT AREA	<u>40,000 SF</u>	<u>69,300</u>	<u>—</u>
MIN. LOT WIDTH	<u>150 FT</u>	<u>150+</u>	<u>—</u>
REQ'D FRONT YD	<u>50 FT</u>	<u>105 FT 300 24 WEMBLY</u>	<u>26 FT (WEMBLY)</u>
REQ'D SIDE YD.	<u>15 FT</u>	<u>35 FT</u>	<u>—</u>
REQ'D TOTAL SIDE YD.	<u>40 FT</u>	<u>128 FT</u>	<u>—</u>
REQ'D REAR YD.	<u>20 FT</u>	<u>230 FT</u>	<u>—</u>
REQ'D FRONTAGE	<u>N/A</u>	<u>—</u>	<u>—</u>
MAX. BLDG. HT.	<u>6" Ft = 12'-0"</u>	<u>28'-0"</u>	<u>16'-0"</u>
FLOOR AREA RATIO	<u>0.6</u>	<u>0.11</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>—</u>	<u>—</u>
DEV. COVERAGE	<u>N/A %</u>	<u>— %</u>	<u>— %</u>
O/S PARKING SPACES	<u>38</u>	<u>53</u>	<u>—</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:  
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD  
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

(95-34) - INSUL-SASH SITE PLAN - RT. 300

Donald Witfield appeared before the board for this proposal.

MR. WITFIELD: We're here to give you a nice new building for the Town of New Windsor. This is the corner, just to orient you a little bit, this is Route 300, this is Crotty's office here, this is the old Boss Glass building here and entrance to Bill Helmer's industrial park. This is some land that Bill Helmer owned is right here on the corner, very prime parcel and Insul-Sash which that is Ted Klein of Insul-Sash here, they are now in the glass building and their business is selling and installing vinyl siding and vinyl windows on quite a large scale. So the building will be about 3,800 square feet on each, each of two levels and there will be a, they like the prestige of the glass building they are in right now, they want another building which will be equal in visual impact and quality and I think it will be very good addition to the Town of New Windsor. This is where the new 30 inch sewer line was just installed and we have been working very closely with Mark and the town and the supervisor because there was some earlier problems with some location of easements and so forth. Ultimately, it got worked out but as you can see on the right-hand side of the building, there's a 30 foot wide easement for the new 30 inch sewer and there's an existing 12 inch sewer that we're going to relocate because that old easement is out further on the property. What happens on that property is if you take a 50 foot strip here, 50 foot strip here 30 foot strip there, we have 150 foot frontage. There's less than 50 feet we can build on. So in meeting with the supervisor and Mark we have been working together and one of the things that we have is a setback problem but the Town of New Windsor is going to support us in our effort to try to get a variance to do that. What happens and you can see in the green is that the green is all going to be lawn, there's a lot of lawn, actually there's over 100 foot of frontage on Route 300 and even off Wembly Road there's going to be a lot more space than there really is between Crotty and 300. Crotty and 300 right now is only about 35 feet, the minimum here is going to be

about 41 feet so we think when it's finished, it's going to be very excellent solution.

MR. PETRO: Do you have any elevations here at all?

MR. WITFIELD: I have somewhere with me, this is going to be much more to the submission.

MR. PETRO: You are here for zoning board basically.

MR. WITFIELD: We're here for that, I have that if you want to see that.

MR. PETRO: No, you don't need to see it.

MR. LANDER: I'm only one person but we have future addition on here and we have possible future building in the back of the parking lot here, until that arrives, we should delete just that part there so that we're just focusing on what you're going to build now.

MR. EDSALL: Just for your benefit, that is one of the comments I made at the workshop.

MR. WITFIELD: We're showing that because it is part of the planning but it will be taken off.

MR. VAN LEEUWEN: Don, I'd like to ask a question, what's the status on that road coming down through here? Has that been built up to town specs? Is that finally finished and taken over by the town?

MR. HELMER: Still got the surface to go on it, shoulders to be finished.

MR. LANDER: How about there was a problem with the drainage there, has that been straightened out yet?

MR. HELMER: The plan has been completely finished and the last time I was before this board, Mt. Ellis did not sign off on the plan, as you know, the town sort of said okay cause Mt. Ellis has it and what I plan to do with this is bring it back to Mt. Ellis and the town said if they don't sign, we'll sign and go ahead and find it and do it but the plan is all done, Greg Shaw



did it, it was analyzed by everybody from here to New Paltz and they said okay and we're willing to do it.

MR. VAN LEEUWEN: I'd like to--

MR. LANDER: Motion to set--

MR. VAN LEEUWEN: I make a motion to approve.

MR. VAN LEEUWEN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board approve the Insul-Sash office building on Route 300. Are there any further discussion from the board members? I'm going to just make one small comment, Mr. Helmer, you were in here some time ago for, used to be as long as if you are building and we're very pro active all the time, I know towards the end of that we tried to move you along because you had a tenant and I think we did some subject-to's and I know through the building department that you were somewhat lax in coming in and doing a few things and we're not going to hold you up because of that in any way but I want you to know that we're aware of it and when it comes time to do some subject-to's on this, we're going to be thinking about it. You have to work with Mr. Babcock and the rest of the departments, just you want from us, we just got to--

MR. HELMER: Originally, our intention to tear that building down and things changed and somebody wanted to get in it.

MR. PETRO: Appreciate just trying to keep up with both our obligation and yours in the end we would appreciate that.

MR. HELMER: Right.

MR. VAN LEEUWEN: I know some of the board members remember it but two or three years ago, we made a decision that we would not grant anymore subdivision approvals or anymore site plan approvals until the road was completed. The road has never been completed. You can go back in the minutes, you'll find it.

MR. HELMER: Should read until the drainage is to be approved.

MR. VAN LEEUWEN: Nothing has happened to either one the road or drainage, I suggest we get to work on that and bond it.

MR. HELMER: We'll bond it, we had a bond and the town lost it and we never resolved that issue and I sent bills that the bond was paid for and we still haven't resolved it.

MR. PETRO: Mark, can you just check into this and come up with an equitable solution to get the road done.

MR. EDSALL: On the road or the--

MR. PETRO: On the road.

MR. VAN LEEUWEN: Road and drainage, both.

MR. EDSALL: Just as a status, Mr. Helmer is correct that there has been a lot of work. Dick McGoey and I have talked about it relative to the building of the remaining work to be performed on the road. The drainage, there was a solution reached, it's not a perfect solution but I think it's the best solution that can be accomplished is what Greg Shaw came up with, I think we just have to try to push the parties together to get the proper arrangements agreed to.

MR. LANDER: I think that is another reason why the road was never finish because they are, that drainage was never finished so how can you finish a road unless the drainage is all done?

MR. EDSALL: The discussions have to be reactivated is what we need to see happen.

MR. PETRO: I think we'll do that when it comes back to the board.

MR. LANDER: Motion to approve the Insul-Sash office building.

December 13, 1995

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MR. STENT: Second it.

ROLL CALL

MR. VAN LEEUWEN	NO
MR. STENT	NO
MR. LANDER	NO
MR. DUBALDI	NO
MR. PETRO	NO

MR. PETRO: At this time, will you please go to the zoning board and acquire the necessary variances that you need and once we have that accomplished, we'll then get you on the next agenda that is available and we'll see you here once again.

MR. WITFIELD: Would it be appropriate to establish lead agency status at this time?

MR. PETRO: When you come back we will, okay?

MR. WITFIELD: Thank you.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

-----x  
In the Matter of Application for Variance of

Inzul-Sash

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

#96-2.  
-----x

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age  
and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On Feb. 6, 1996, I compared the 24 addressed  
envelopes containing the attached Notice of Public Hearing with  
the certified list provided by the Assessor regarding the above  
application for variance and I find that the addressees are  
identical to the list received. I then mailed the envelopes in a  
U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
6<sup>th</sup> day of February, 1996.

Deborah Green  
Notary Public

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1997

(TA DOCDISK#7-030586.AOS)



# THE TITLE GUARANTEE COMPANY

A TICOR COMPANY  
120 BROADWAY NEW YORK, N.Y. 10005

INVOICE DATE

3/31/77

AS OF

TITLE NUMBER

9680933

CL. CODE NUMBER

INSURANCE  
\$215,000.00

EXAMINATION  
AND/OR PREMIUM  
Fee

PROPERTY  
INSPECTION

MUNICIPAL SEARCHES

OTHER  
CHARGES CODE

TOTAL CHARGES

\$785.00

PA #4646

3/31/77 mzn

*final paid  
3/31/77  
C. Harris*

MORTGAGE TAX

DEED TAX

RECORDING CHARGES

1050.00

28.50

\* SEE REVERSE SIDE FOR EXPLANATION OF OTHER CHARGES

PAY THIS AMOUNT →

1863.50

Schwall & Carroll, Esqs.  
Box 549  
New City, N.Y. 10956

ATTN OF  
FILE NO

L. Schwall, Esq.

PREMISES

Town New Windsor

OWNER

Brady Harris &  
Sloan

INSURED

Helmer

5284-B 10M 11-75

# This Indenture,

Made the 31st day of March, nineteen hundred and seventy-seven

Between GLADYS SLOAN BRADY, residing at 9074 142nd Street North, City of Largo, Pinellas County, Florida, by RUTH SLOAN HARRIS, her Attorney-in-Fact, under and by virtue of a Power of Attorney dated February 7, 1977, and to be recorded in the Orange County Clerk's Office, and RUTH SLOAN HARRIS, residing at 87 Witch Tree Drive, Town of Woodstock, Ulster County, New York

parties of the first part, and

WILLIAM F. HELMER, residing at (no number) Grey Beech Lane, Village of Pomona, Town of Haverstraw, Rockland County, New York

part y of the second part:

Witnesseth, that the parties of the first part, in consideration of TEN AND 00/100 lawful money of the United States, (\$10.00) Dollars, and other good and valuable consideration paid by the part y of the second part, do hereby grant and release unto the part y of the second part, his heirs and assigns forever,

all that certain piece or parcel of land lying, situate and being in the Town of New Windsor, Orange County, New York, bounded and described as follows:

BEGINNING at a point in the southwesterly line of the County Highway known as Temple Hill Road, said point also being the northernmost corner of lands now or formerly of Dexion Realty Corp., and running thence, along the remains of a stone wall along the northwesterly line of said Dexion lands, South 30° 08' 00" West 121.51 feet to a point; thence, leaving said Dexion lands, and along lands this day being described in a deed made by the instant grantors and Warren Sloan, Jr. to said William F. Helmer, North 37° 09' 10" West 243.60 feet to a point; thence, still along said lands described in said deed by the instant grantors together with Warren Sloan, Jr., North 37° 49' 10" West 59.64 feet to a point, said point being the southernmost corner of lands now or formerly of Marano; thence, along said Marano lands, North 52° 10' 50" East 125.00 feet to a point in the afore-described southwesterly line of Temple Hill Road; thence, along said roadline, South 37° 49' 10" East 33.03 feet to a point; thence, still along said roadline, South 33° 56' 42" East 225.10 feet to the point or place of beginning.

Containing 0.76 acres of land, more or less.

SUBJECT to a permanent utility easement granted to the Town of New Windsor (Sewer District No. 17, Map 13), bounded and described as follows:

BEGINNING at a point in the southwesterly line of the County Highway known as Temple Hill Road, said point also being North 33° 56' 42" West 208.21 feet from the southeasterly corner of the said first above described lands, and running thence, through said first above described lands, South 57° 40' 50" West 124.43 feet to a point in the southwesterly line of said first above described lands; thence, along said line, North 37° 49' 10" West 38.00 feet to a point, said point being the westernmost corner of said first above described lands and

the southernmost corner of lands now or formerly of Marano; thence, along said Marano lands, North 52° 10' 50" East 10.05 feet to a point; thence, through said first above described lands, South 43° 34' 10" East 19.16 feet to a point; thence, through said first above described lands, North 57° 40' 50" East 113.55 feet to a point in the southwesterly line of Temple Hill Road; thence, along said roadline, South 37° 49' 10" East 3.08 feet to a point; thence, still along said roadline, South 33° 56' 42" East 16.89 feet to the point or place of beginning.

SUBJECT to public utility grants of record.

SUBJECT to the burdens and together with the benefits of those two certain agreements with the Town of New Windsor, insofar as they may affect the aforesaid premises, viz:

A. Agreement dated August 1, 1974 and recorded in the Orange County Clerk's Office on August 9, 1974 in Liber 1986 of Deeds at page 504; and

B. Agreement dated August 9, 1974 and recorded in the Orange County Clerk's Office on September 5, 1974 in Liber 1988 of Deeds at page 648.



**Together with the appurtenances and all the estate and rights of the parties of the first part in and to the said premises.**

**To have and to hold the premises herein granted unto the party of the second part, his heirs and assigns forever.**

**And the said GLADYS SLOAN BRADY and RUTH SLOAN HARRIS covenant that they have not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as hereinbefore set forth.**

**And The grantors, in compliance with Section 13 of the Lien Law, covenant as follows: That they will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that they will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.**

In Witness Whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written

In the Presence of:

*Wm. J. Mader Jr.*

GLADYS SLOAN BRADY

BY *Ruth Sloan Harris*

Ruth Sloan Harris, Attorney-in-Fact

*Ruth Sloan Harris*  
Ruth Sloan Harris

State of New York, County of ORANGE

ss.:

On the 31st day of March, nineteen hundred and seventy-seven before me personally came RUTH SLOAN HARRIS

, to me known to be the individual she described in, and who executed, the foregoing instrument, and acknowledged that she executed the same.

*Wm. J. Mader Jr.*

Notary Public

LIBER 2063 PAGE 523

GEORGE F. STRADAR, JR.  
Notary Public State of New York  
Qualified in Orange County  
My Commission Expires March 30, 1978

# Deed.

GLADYS SLOAN BRADY, by RUTH  
SLOAN HARRIS, her Attorney-  
in-Fact, and RUTH SLOAN HARRIS

TO

WILLIAM F. HELMER

Dated, March 31 19 77

5220 22.00  
CMA

Orange County Clerk's Office  
Recorded in 12  
April 77 2:09  
Deeds at Page 521  
and Examined.

C. N. Winters

Schwall + Cartell  
PO Box 549  
New City, N.Y. 10956

LAW OFFICES OF  
NORTHROP AND STRADAR  
386 BROADWAY P. O. BOX 2395  
NEWBURGH, NEW YORK 12550

T. S. S.

STATE OF NEW YORK :  
COUNTY OF ORANGE : ss.

LIBER 2063 PAGE 524

On the 31st day of March, 1977, before me came RUTH SLOAN HARRIS, to me known to be the Attorney-in-Fact of GLADYS SLOAN BRADY, the individual described in and who by her said Attorney-in-Fact executed the foregoing instrument, and duly acknowledged before me that she executed the same as the act and deed of the said GLADYS SLOAN BRADY therein described, and for the purpose therein mentioned, by virtue of a Power of Attorney duly executed by the said GLADYS SLOAN BRADY, dated February 7, 1977, and to be recorded in the Orange County Clerk's Office.

Notary Public

GEORGE F. STRADAR, JR.  
Notary Public State of New York  
Qualified in Orange County  
My Commission Expires March 30, 1978

# This Indenture,

Made the 31st day of March, nineteen hundred and seventy-seven

Between GLADYS SLOAN BRADY, residing at 9074 142nd Street North, City of Largo, Pinellas County, Florida, by RUTH SLOAN HARRIS, her Attorney-in-Fact, under and by virtue of a Power of Attorney dated February 7, 1977, and to be recorded in the Orange County Clerk's Office, RUTH SLOAN HARRIS, residing at 87 Witch Tree Drive, Town of Woodstock, Ulster County, New York, and WARREN SLOAN, JR., residing at (no number) Temple Hill Road, Town of New Windsor, Orange County, New York

parties of the first part, and

WILLIAM F. HELMER, residing at (no number) Grey Beech Lane, Village of Pomona, Town of Haverstraw, Rockland County, New York

party of the second part:

Witnesseth, that the party of the first part, in consideration of TEN AND 00/100 (\$10.00) Dollars, lawful money of the United States, and other good and valuable consideration paid by the party of the second part, do hereby grant and release unto the party of the second part, his heirs and assigns forever,

ALL that piece or parcel of land lying, situate and being in the Town of New Windsor, Orange County, New York, bounded and described as follows:

BEGINNING at a point in the southwesterly line of a portion of the State Highway known as Route 207 (State Highway No. 153), which portion reputedly was abandoned to the Town of New Windsor, and said point of beginning also being South 33° 03' 22" East 81.34 feet from a concrete monument marking the southwesterly line of the existing State Highway 153, which monument lies southeasterly of the crossing of said highway at Silver Stream, and running thence, along the line of reputed abandonment to the Town of New Windsor, the following six (6) courses:

1. South 33° 03' 22" East 93.66 feet to a point;
2. South 51° 30' 01" East 105.02 feet to a point;
3. South 61° 25' 19" East 63.70 feet to a point;
4. South 68° 59' 18" East 86.13 feet to a point;
5. South 74° 26' 53" East 125.12 feet to a point;
6. South 89° 59' 22" East 26.47 feet to a concrete monument in the southwesterly line of the existing State Highway 153; thence, along the westerly line of lands now or formerly of Tesman, and in part along the easterly side of a stone wall marking said line, the following three (3) courses:

1. South 3° 48' 50" West 114.08 feet to a point;
2. South 0° 50' 50" West 153.21 feet to a point;
3. South 0° 24' 50" West 111.09 feet to the centerline of a stone wall; thence, along the centerline of said stone wall, being the centerline of a right-of-way fifteen feet (15') in width, and along the southerly line of lands now or formerly of Tesman, lands now or formerly of Toepert, lands now or formerly of Kenneth Sloan, and lands now or formerly of Eugene D. Sloan, South 78° 49' 10" East 251.36 feet to a point and South 79° 21' 10" East 181.87 feet to a point of intersection with another stone wall; thence, along the last described stone wall, North 3° 30' 10" West 76.16 feet to a point; thence, leaving said stone wall, and along lands now or formerly of Warren Sloan Jr., South 62° 24' 10" East 647.66 feet to a point; thence, still along said lands, North 52° 10' 50" East 75.00 feet to a point; thence, along the southwesterly line of lands now or formerly of Marano, South 37° 49' 10" East 200.00 feet to a point;

thence, along the southwesterly line of lands of Ruth Sloan Harris and Gladys Sloan Brady (this day being described in a deed made by them to said William F. Helmer) South  $37^{\circ} 49' 10''$  East 59.64 feet to a point; thence, still along said lands of Harris and Brady, South  $37^{\circ} 09' 10''$  East 243.60 feet to a point in the remains of a stone wall, said point also being South  $30^{\circ} 08' 00''$  West 121.51 feet from the southwesterly line of the County Highway known as Temple Hill Road; thence, along the westerly line of lands now or formerly of the Dexion Realty Corp., and in part, along the remains of a stone wall and along the center-line of a stone wall, the following three (3) courses:

1. South  $36^{\circ} 12' 01''$  West 51.94 feet to a point;
2. South  $30^{\circ} 44' 31''$  West 358.23 feet to a point;
3. South  $32^{\circ} 05' 36''$  West 287.59 feet to a corner of stone walls; thence, along the centerline of a stone wall, along said Dexion Realty Corp. lands, and along lands now or formerly of the Coca Cola Bottling Co., the following five (5) courses:

1. South  $28^{\circ} 16' 19''$  East 14.18 feet to a point;
2. South  $15^{\circ} 17' 30''$  East 361.92 feet to a point;
3. South  $19^{\circ} 00' 37''$  East 83.92 feet to a point;
4. South  $12^{\circ} 31' 09''$  East 128.13 feet to a point;
5. South  $14^{\circ} 40' 12''$  East 89.34 feet to an iron rod found in the corner of stone walls; thence, along a stone wall, and along lands now or formerly of Yanko and Ludwig, South  $87^{\circ} 38' 05''$  West 1,450.00 feet to a point in the corner of stone walls; thence, along the center-line of a stone wall, and along lands now or formerly of the People of the State of New York, the following five (5) courses:

1. North  $0^{\circ} 10' 42''$  West 544.38 feet to a point;
2. North  $1^{\circ} 7' 00''$  West 154.80 feet to a point in an oak tree 40" in dia.;
3. North  $7^{\circ} 55' 34''$  East 54.27 feet to a point;
4. North  $1^{\circ} 17' 03''$  West 196.65 feet to a point;
5. North  $12^{\circ} 03' 55''$  West 360.80 feet to a point at the end of said stone wall; thence, still along said New York State lands, North  $5^{\circ} 59' 05''$  East 596.80 feet to a point; thence, still along said State lands, North  $4^{\circ} 50' 55''$  West 247.50 feet to a point in the centerline of a stone wall at the southeasterly corner of lands now or formerly of the City of Newburgh; thence, along said City of Newburgh lands, the following four (4) courses:

1. North 3° 51' 55" West 124.50 feet to a point;
2. North 14° 15' 05" East 66.00 feet to a point;
3. North 43° 43' 55" West 228.00 feet to a point;
4. North 32° 14' 05" East 102.66 feet to the point or place of beginning.

Containing 64.27 acres of land, more or less.

SUBJECT to that portion of the right-of-way, fifteen feet (15') in width, running along the southerly line of lands now or formerly of Tesman, Toepert, Kenneth Sloan and Eugene V. Sloan, lying within the above-described premises.

SUBJECT to public utility grants of record.

SUBJECT also to a permanent utility easement granted to the Town of New Windsor (Sewer District No. 17), more particularly described as follows:

BEGINNING at a point in the southeasterly line of the portion of the New York State Highway No. 153 reputedly abandoned to the Town of New Windsor, said point being South 33° 03' 22" East 60.63 feet from the point of beginning of the above-described lands, and running thence, through said first above described lands the following seven (7) courses:

1. South 26° 20' 18" East 196.05 feet to a point;
2. South 2° 15' 50" East 327.22 feet to a point;
3. South 8° 11' 53" East 374.40 feet to a point;
4. North 75° 32' 10" East 385.15 feet to a point;
5. North 56° 07' 10" East 223.89 feet to a point;
6. North 79° 24' 10" West 317.59 feet to a point;
7. North 20° 35' 50" East 23.00 feet to a point in the

centerline of the stone wall marking the southerly line of lands now or formerly of Tesman; thence, along said Tesman lands, and lands now or formerly of Toepert, Kenneth Sloan and Eugene D. Sloan, the following two (2) courses:

above described lands, \*South 64° 37' 24" East 241.57 feet to a point in the southwesterly line of lands now or formerly of Warren Sloan Jr.; thence, along said lands, South 62° 24' 10" East 35.88 feet to a point; thence through said first above described lands,

**Together** with the appurtenances and all the estate and rights of the parties of the first part in and to the said premises.

**To have and to hold** the premises herein granted unto the part Y of the second part, his heirs and assigns forever.

**And the said** GLADYS SLOAN BRADY, RUTH SLOAN HARRIS and WARREN SLOAN, JR. covenant that the y have not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as hereinbefore set forth.



And The grantors , in compliance with Section 13 of the Lien Law, covenant as follows: That they will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that they will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the parties of the first part have hereunto set their hand and seals the day and year first above written

In the Presence of:

*Wm J. Strader Jr.*

GLADYS SLOAN BRADY

BY: *Gladys Sloan Brady* *Ruth Sloan Harris*  
Ruth Sloan Harris, Attorney-in-Fact

*Ruth Sloan Harris*  
Ruth Sloan Harris

*Warren Sloan Jr.*  
Warren Sloan, Jr.

State of New York, County of ORANGE

ss.:

On the 31st day of March, nineteen hundred and seventy-seven before me personally came RUTH SLOAN HARRIS and WARREN SLOAN, JR., to me known to be the individuals described in, and who executed, the foregoing instrument, and acknowledged that they executed the same.

*Wm J. Strader Jr.*  
Notary Public

LIBER 2063 PAGE 529

GEORGE F. STRADAR, JR.  
Notary Public State of New York  
Qualified in Orange County  
My Commission Expires March 30, 1978

the following nine (9) courses:

1. South 73° 25' 52" West 25.35 feet to a point;
2. North 64° 59' 35" West 256.49 feet to a point;
3. North 76° 29' 02" West 288.72 feet to a point;
4. South 56° 07' 10" West 249.02 feet to a point;
5. South 75° 32' 10" West 410.78 feet to a point;
6. North 8° 24' 14" East 515.60 feet to a point in the easterly line of lands now or formerly of the City of Newburgh;
7. Along said City lands, North 3° 51' 55" West 124.50 feet to a point;
8. Still along said City lands North 14° 15' 05" East 66.00 feet to a point;
9. Leaving said City lands, North 24° 53' 21" West 263.38 feet to a point in the northwesterly line of said first above described lands; thence, along said line, North 32° 14' 05" East 14.98 feet to a point in the southeasterly line of the said reputedly abandoned section of State Highway 153; thence, along said line, South 33° 03' 22" East 60.63 feet to the point or place of beginning.

SUBJECT also to a permanent utility easement granted to the Town of New Windsor (Sewer District No. 17), bounded and described as follows:

LIBER 2063 PAGE 527

BEGINNING at a point in the southeasterly line of lands now or formerly of Warren Sloan Jr., said point also being the westernmost corner of lands now or formerly of Marano, and running thence, along said Marano lands, South 37° 49' 10" East 200.00 feet to a point, said point marking the westernmost corner of the aforesaid lands of Ruth Sloan Harris and Gladys Sloan Brady; thence, along said lands of Brady and Harris, South 37° 49' 10" East 59.64 feet to a point; thence through said first above described lands, North 44° 24' 38" West 261.37 feet to a point in the afore-mentioned lands of Warren Sloan Jr.; thence, along said lands, North 52° 10' 50" East 30.00 feet to the point or place of beginning.

7  
SUBJECT to the burdens and together with the benefits of those three certain agreements with the Town of New Windsor, insofar as they may affect the aforesaid premises, viz:

A. Agreement dated July 9, 1974 and recorded in the Orange County Clerk's Office on July 19, 1974 in Liber 1984 of Deeds at page 345;

B. Agreement dated August 1, 1974 and recorded in the Orange County Clerk's Office on August 9, 1974 in Liber 1986 of Deeds at page 510; and

C. Agreement dated August 9, 1974 and recorded in the Orange County Clerk's Office on September 5, 1974 in Liber 1988 of Deeds at page 642.  
-----

\*South 75° 58' 18" East 238.05 feet to a point; thence, still through said first above described lands,

*W.B. Jr.*

# Deed.

GLADYS SLOAN BRADY, by RUTH SLOAN HARRIS, her Attorney-in-Fact, RUTH SLOAN HARRIS and WARREN SLOAN, JR.

TO

WILLIAM F. HELMER

Dated, March 31 1977

5221 214.50  
APR - 1977

Chgo

Orange County Clerk

Recorded at

April 77 2:10  
2063  
525

and Examined.

C. N. Winters

Schwall + Carroll  
PO Box 549  
New City, N.Y. 10956

LAW OFFICES OF  
NORTHROP AND STRADAR

388 BROADWAY P.O. BOX 2395  
NEWBURGH, NEW YORK 12550

214.50  
J. Swan

STATE OF NEW YORK :  
COUNTY OF ORANGE : ss.

LIBER 2063 PAGE 530

On the 31st day of March, 1977, before me came RUTH SLOAN HARRIS, to me known to be the Attorney-in-Fact of GLADYS SLOAN BRADY, the individual described in and who by her said Attorney-in-Fact executed the foregoing instrument, and duly acknowledged before me that she executed the same as the act and deed of the said GLADYS SLOAN BRADY therein described, and for the purpose therein mentioned, by virtue of a Power of Attorney duly executed by the said GLADYS SLOAN BRADY, dated February 7, 1977, and to be recorded in the Orange County Clerk's Office.

*George F. Stradar, Jr.*  
Notary Public

GEORGE F. STRADAR, JR.,  
Notary Public State of New York  
Qualified in Orange County  
My Commission Expires March 30, 1978



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

February 5, 1996

Mr. Ted Kline  
2 Executive Drive  
New Windsor, N. Y. 12553

Re: Tax Map Parcel #4-3-17.4

Dear Mr. Kline:

According to our records, the attached list of property owners are within five Hundred (500) feet of the above-referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00, leaves a balance due of \$20.00.

Sincerely,

LESLIE COOK  
Sole Assessor

/pab  
Attachment

cc: Patricia A. Barnhart, ZBA

City of Newburgh  
% City Comptroller  
City Hall - Broadway  
Newburgh, N. Y. 12550

Nicholas Roseto  
R. R. 1, Thorn Lot Rd.  
Stockholm, N. J. 07460

ENAP INC.  
4 Executive Drive  
New Windsor, N. Y. 12553

Warren Sloan, Jr.  
P. O. Box 4545  
New Windsor, N.Y. 12553

CHKK Realty Company  
Wembly Road  
P. O. Box 4083  
New Windsor, N. Y. 12553

Wilson & Maricelis Rosa  
628 Union Avenue  
New Windsor, N.Y. 12553

County of Orange  
255-275 Main Street  
Goshen, N. Y. 10924

Anthony & Laura Amodeo  
29 Birdsall Avenue  
Marlboro, N.Y. 12542

John Pizzo  
31 Dogwood Hills Road  
Newburgh, N. Y. 12550

State of New York  
Office of Comptroller  
Gov. A. Smith Building  
Albany, N. Y. 12203

Helmer, Vonn & Remick  
d/b/a Execucorp  
P. O. Box 4292  
New Windsor, N. Y. 12553

Duggan, Crotty Temple Hill Co.  
343-345 Temple Hill Road  
New Windsor, N. Y. 12553

William F. Helmer  
Grey Beech Lane  
Pomona, N. Y. 10970

Mario & Ruth Ronsini  
630 Union Avenue  
New Windsor, N. Y. 12553

Americo & Rose Angeloni  
326 Temple Hill Road  
New Windsor, N. Y. 12553

Nicholas A. & Juanita Ronsini  
322A Temple Hill Road  
New Windsor, N.Y. 12553

J & H Smith Light Corp.  
P. O. Box 1449  
Newburgh, N. Y. 12550

H.Z. Development Partners  
% United Pet Supply  
Wembly Road  
New Windsor, N.Y. 12553

Emma Toepert  
523 Little Britain Road  
New Windsor, N.Y. 12553

Freedom Road Realty Assocs.  
335 Temple Hill Road  
New Windsor, N.Y. 12553

Jose Ramirez  
618 Union Avenue  
New Windsor, N. Y. 12553

Olympia Rossi  
52 Balmville Road  
Newburgh, N. Y. 12553

Joseph Lewin  
12 Catalpa road  
Newburgh, N. Y. 12553

Nicholas A. & Rose Ronsini  
322 Temple Hill Road  
New Windsor, N.Y. 12553

Pls. publish immediately. Send bill to Applicant at 2 Executive Blvd  
N.Y.

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 2

Request of Insul Sash of Hudson Valley

for a VARIANCE of the Zoning Local Law to permit:

Construction of Commercial building with insufficient  
front yard and more than the allowable building height;  
being a VARIANCE of Section 48-12-Table of Use/Bulk  
Regulations - Cols. 5 & 2.

for property situated as follows:

W/s of Route 300 at Wambly Road, New Windsor,  
N.Y. 12553.

known as tax lot Section 4 Block 3 Lot 17.4.

SAID HEARING will take place on the 26<sup>th</sup> day of February,  
1996, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

James Nugent  
Chairman

By: Patricia A. Barnhart, Secy.

Date 1/30/96, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Sycamore Dr DR.  
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
1/22/96		Zoning Board Meeting	75 00	
		Misc - 4		
		Kim - 6		
		Petro Metals - 10		
		Insul-Sash - 5 22.50.		
		Mans - 6		
		Langanke - 3		
		Mylonas - 3		
		Digeratu - 13		
		Price Chopper - 2		
		52	234 00	
			309 00	



INSUL-SASH

MR. NUGENT: Request for 26 ft. front yard (Wembly Road) and 16 ft. 0 in. maximum building height variances for construction of a commercial building on west side of Rt. 300 at Wembly Road in a PI zone.

Mr. Donald Witfield appeared before the board for this proposal.

MR. WITFIELD: I didn't bring a lot of copies of this but I can show you from this and I'll share with you what the details are. This is Crotty's office right here, this is the corner lot as you go into Wembly Road. And there's been a lot of negotiation with the town that this is where that new 30 inch sewer line goes through and there was an existing sewer line which is going to be located right along the edge but because for various reasons working with Mark Edsall and the supervisor and so forth, they said they would rather see this a wider easement and they would favor coming before this board and getting a variance because it moved the building closer to Wembly Road. So you see this easement took 14,000 square feet out of the parcel which was given at no cost to the town. What happens we started out with a lot there that was 160 feet wide and back some years ago, when the industrial park was done, for some reason instead of having a 50 foot road, wanted 60 foot road, that took ten feet off. So we still have 150 foot road left but by the time you take the easements and the setbacks, if you measure diagonally across here, it's only 50 feet left so not enough to build, even though it's an acre and three quarter lot, there's not enough to build a house on it. Now what we're proposing you can see this is a prestige office building, I'll share with you and I'm sorry I didn't bring more copies, Insul-Sash is a company who specializes in aluminum siding and aluminum windows and so forth. They have a number of very large clients and this is Ted Klein, you have 60, 70 people?

MR. KLEIN: Yes.

MR. WITFIELD: And that building is going to be their headquarters so you can see it's going to be very nice

looking building. On the front is going to be one story built into the bank so the other sides are two stores. The main entrance area will be hand cut field stone like Crotty's office, very nice details, very nice proportions. This is one of the floors, this is the other floor and you can share.

MR. NUGENT: I have one quick question because this is a corner lot, they are requiring two frontages?

MR. BABCOCK: That is correct.

MR. NUGENT: And they only have 26 and Wembly is 105 I think on Route 300, do you have the denial?

MR. BABCOCK: Yeah, it's 105 on Route 300.

MR. NUGENT: They need 60 on Wembly that is why it's a 26 foot variance.

MR. BABCOCK: They need 50.

MR. WITFIELD: That is right.

MR. WITFIELD: See one of the things we had meetings out there at the site, talking about various things is that this wing that sticks toward Crotty in the lower floor as you can see on I guess on that drawing, one of the drawings is a place for it's called warehouse, it's not really a warehouse, it's sort of a supply depot where like windows are brought in once a week from the factory and put there and the guys come in with their pickup trucks or whatever they are using for the jobs and take it so nothing is stored there more than a few days, except for maybe some screws and nails or that kind of thing.

MR. NUGENT: Nothing is manufactured?

MR. WITFIELD: Nothing is manufactured there, nothing is really warehoused there more than two days, right Ted?

MS. KLEIN: Yes.

MR. WITFIELD: And the reason we want to do that cause we wanted to hide this on this side of the building so in looking at various configurations where to put the building, working very closely with Mark Edsall, decided this is the best way to go and they felt that it would be advantageous to come here and that the easement and they would recommend it, I think the supervisor talked to you about that day he said he was going to.

MR. NUGENT: No, I didn't talk to him. He may have called the office. I didn't go back there.

MR. WITFIELD: Well, Henry Van Leeuwen was there, right, the planning board had recommended that this would happen, I don't know.

MR. VAN LEEUWEN: Yes, well Andy's here, he knows.

MR. KRIEGER: Yeah, when that came up--

MR. WITFIELD: What really happens here there's a lot of green space you all know Crotty's building, that building is really not a problem, this will end up with Crotty's building to the front which is now 29 feet and from the front line to the curb is six feet so we have 35 feet there on Crotty's building, this will end up being 41 feet to the curb. So it is going to be 20 percent more than Crotty's building.

MR. REIS: This sits quite a bit back from Crotty's building.

MR. WITFIELD: Yeah, Crotty's building is right here so we have much more, going to be a lot of landscaping, this is what the planning board wants to see some really nice landscaping and it's at a corner so it's not behind Crotty's building but you have the best view coming either way on Route 300.

MR. TORLEY: The encroachment is not really on 300 but basically a road into an industrial park.

MR. WITFIELD: That is right, yeah, on 300 we're 105 feet and we're only required 50 and that is going to be

landscaped. It's a very small parking lot there just for visitors.

MR. REIS: The building is not cantilevered at all, it's square up and down?

MR. WITFIELD: Yeah, no cantilevers, no projections.

MR. LANGANKE: I don't have anymore questions. I understand the project.

MR. NUGENT: I'll accept a motion.

MR. REIS: I recommend that we have Insul-Sash go forward with this variance request, set them up for a public hearing.

MR. LANGANKE: I second it.

ROLL CALL

MR. REIS	AYE
MR. TORLEY	AYE
MR. LANGANKE	AYE
MR. NUGENT	AYE

MR. WITFIELD: Do we have to go through the public hearing process?

MR. KRIEGER: It's mandatory for all zoning board applications.

MR. WITFIELD: When will that be scheduled?

MS. BARNHART: Whenever you get the paperwork back, I'm going to hand it to you right now.

MR. KRIEGER: These are the state mandated criteria that the board must consider.

MR. WITFIELD: When is the earliest meeting that you can consider this?

MS. BARNHART: I don't know yet.

MR. TORLEY: Depends on how you get it back.

MS. BARNHART: The 26th of February is the next meeting.

MR. WITFIELD: What's your waiting period?

MS. BARNHART: Do you have your list?

MR. KRIEGER: Waiting period between what and what?

MR. WITFIELD: The time we submit the paperwork until you can consider it at a meeting.

MR. NUGENT: You need the posted ten days.

MR. KRIEGER: You have to submit ten days in advance of the meeting and it's the next meeting.

MR. TORLEY: Any trouble with the county on this?

MS. BARNHART: No.

MR. WITFIELD: We'll get at it as soon as we can. Thank you very much.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 96-2

Date: 1/23/96

I. ✓ Applicant Information:

- (a) Keegan/Cline 2 Exec. Drive, N.W. Bill Helmer  
(Name, address and phone of Applicant) (Owner)
- (b) Keegan/Cline  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) Don Witfield, RA 291 Mt. Rd., Cornwall-on-Hudson 534-4650  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ( ☐ ) Use Variance ( ☐ ) Sign Variance
- ( ☒ ) Area Variance ( ☐ ) Interpretation

III. ✓ Property Information:

- (a) PI NW corner Rte 300-Wembley Road 4-3-17.4 1.75 ac.  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? 1970's
- (e) Has property been subdivided previously? yes
- (f) Has property been subject of variance previously? no  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? no
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: no  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

N/A

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application. At the narrowest point the property started out 200' wide. 60 feet required by the Town for road ROW, 35' requested by the Town for sewer ROW, 50' required by the Town for setback. Only a strip 50' wide is left. In negotiations with the Town, they volunteered support for this requested variance as the best solution to make the property useable.

N/A

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes        No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. ✓ Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk, Regs., Col. E, I.

Requirements		Proposed or Available	Variance Request
Min. Lot Area	40,000 sf	<del>69,300</del> sf	
Min. Lot Width	150'	150'	
Reqd. Front Yd.	50'	Rte 300- 105'	
		Wembly Rd.-24'	26' Wembly Road
Reqd. Side Yd.	15'	35'	
Reqd. Rear Yd.	20'	230'	
Reqd. Street Frontage*	NA		
Max. Bldg. Hgt.	6"/' = 12'	28'	16'
Min. Floor Area*	NA		
Dev. Coverage*	NA %	%	%
Floor Area Ratio**	0.6	0.11	
Parking Area	NA-38 spaces	5/ spaces	

\* Residential Districts only

\*\* No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

- 1) No detrimental effect. 2) Town Officials and Planning Board have agreed there is no other way. 3) The proposed variance is not substantial and is similar to neighbors and each side. 4) No adverse impact on neighbors. 5) The difficulty was not self-created.

(You may attach additional paperwork if more space is needed)

✓ VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
 \_\_\_\_\_

VII. Interpretation. *N/A*

- (a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or



upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

All "green Areas" will be tastefully landscaped to create a building and setting that will be above the norm.

IX. Attachments required:

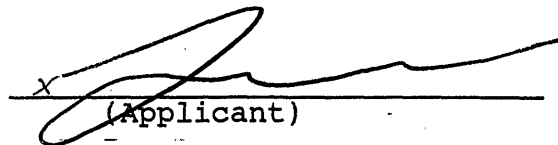
- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ N/A Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 150.00 and the second check in the amount of \$ 500.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 24 January, 1996

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

  
(Applicant)

Sworn to before me this

24 day of January, 1996.

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_

ANGELA M. LIBBY  
Notary Public, State of New York  
No. 0115045062  
Qualified in Orange County  
Term Expires June 12, 1997

*Angela M. Libby*

(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

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NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

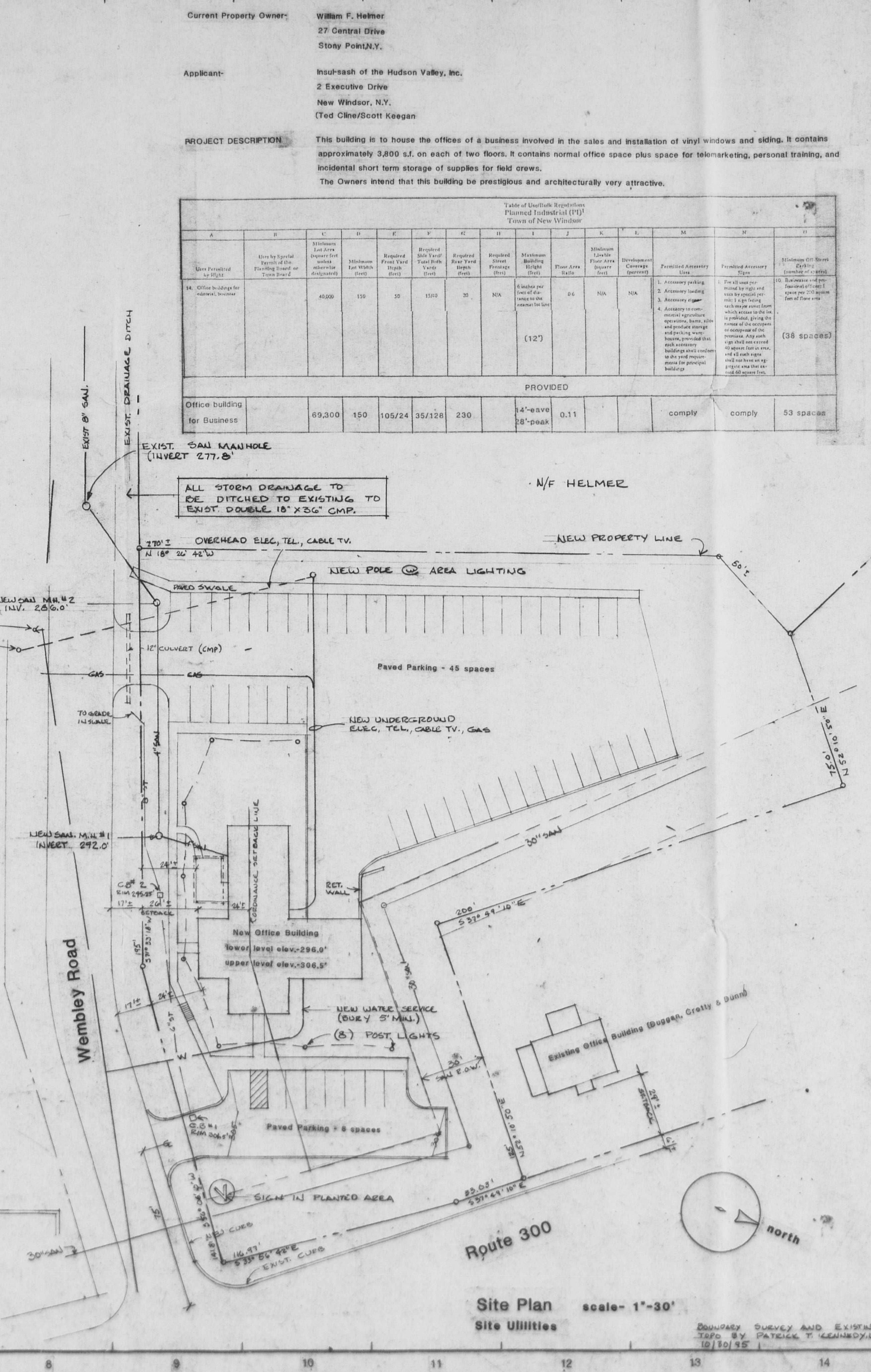
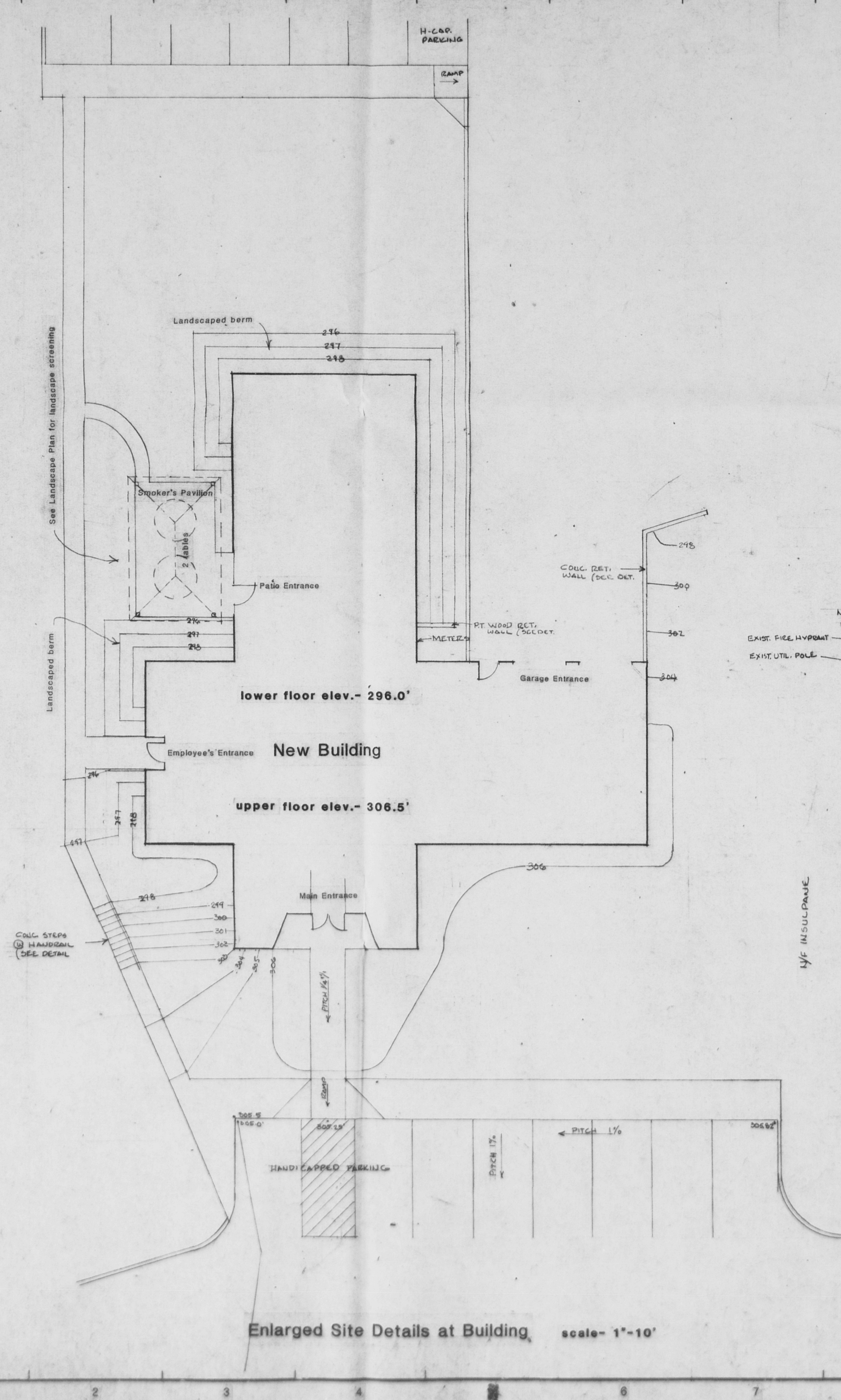


Current Property Owner: William F. Helmer  
27 Central Drive  
Stony Point, N.Y.

Applicant: Insul-sash of the Hudson Valley, Inc.  
2 Executive Drive  
New Windsor, N.Y.  
(Ted Cline/Scott Keegan)

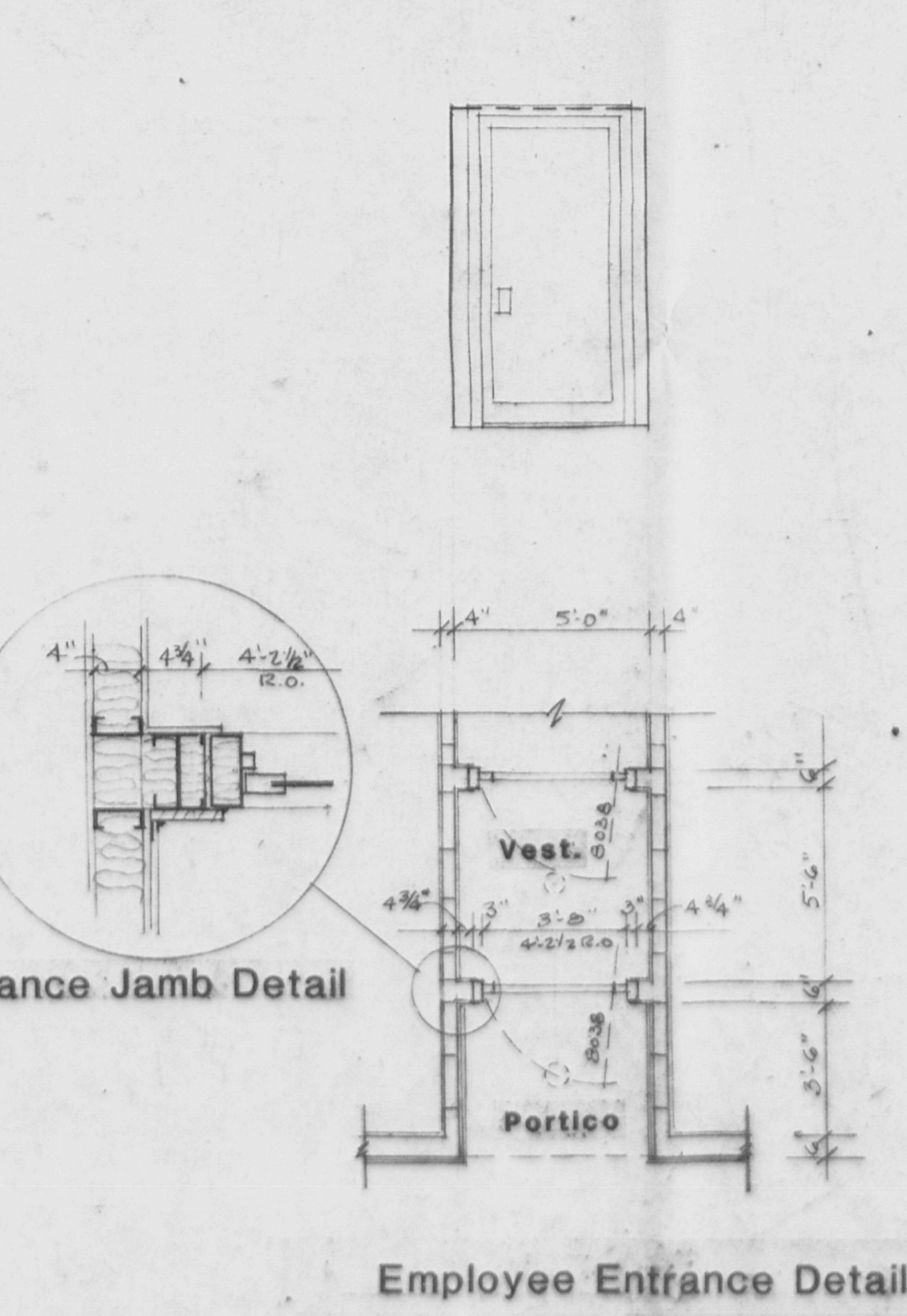
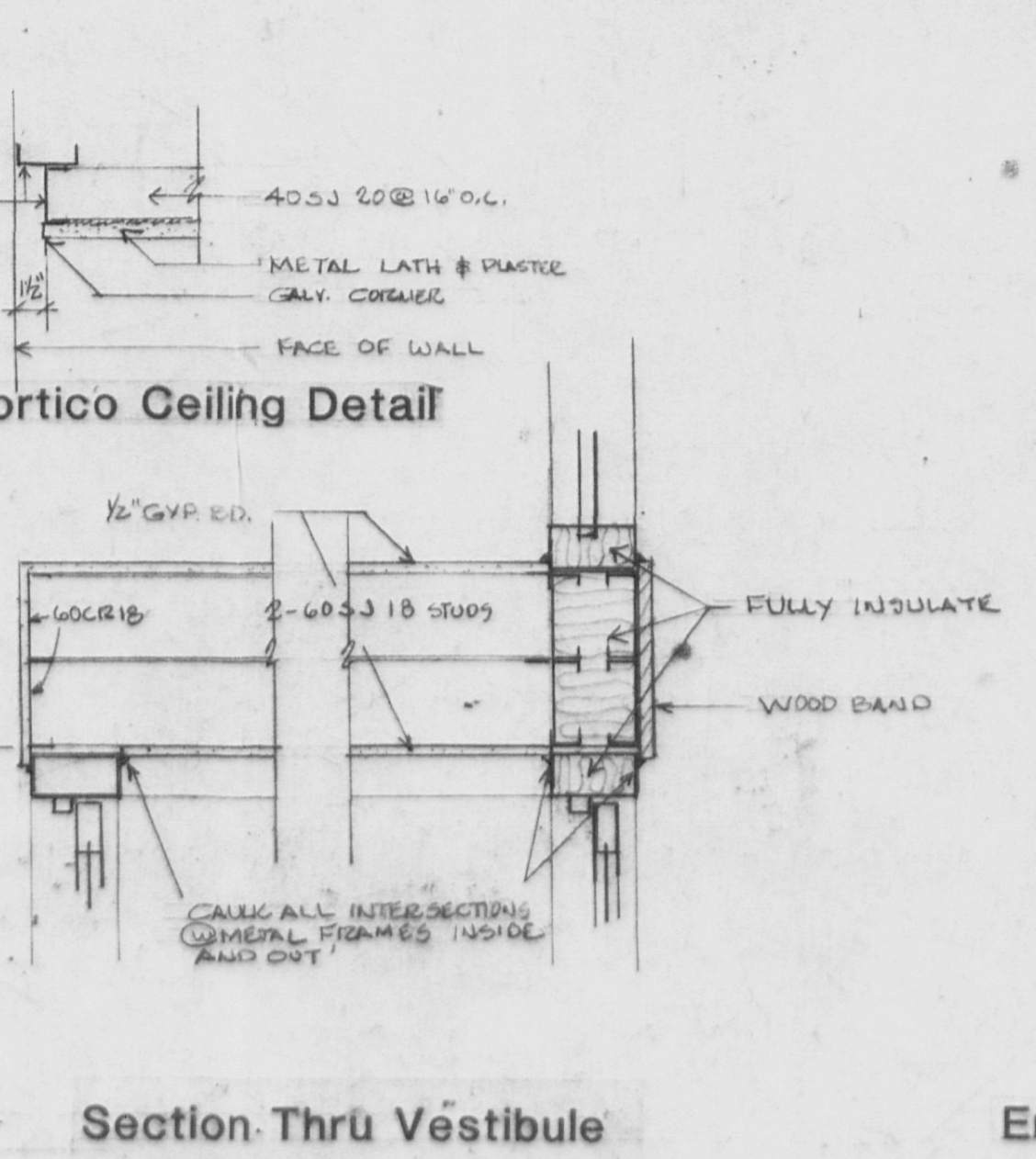
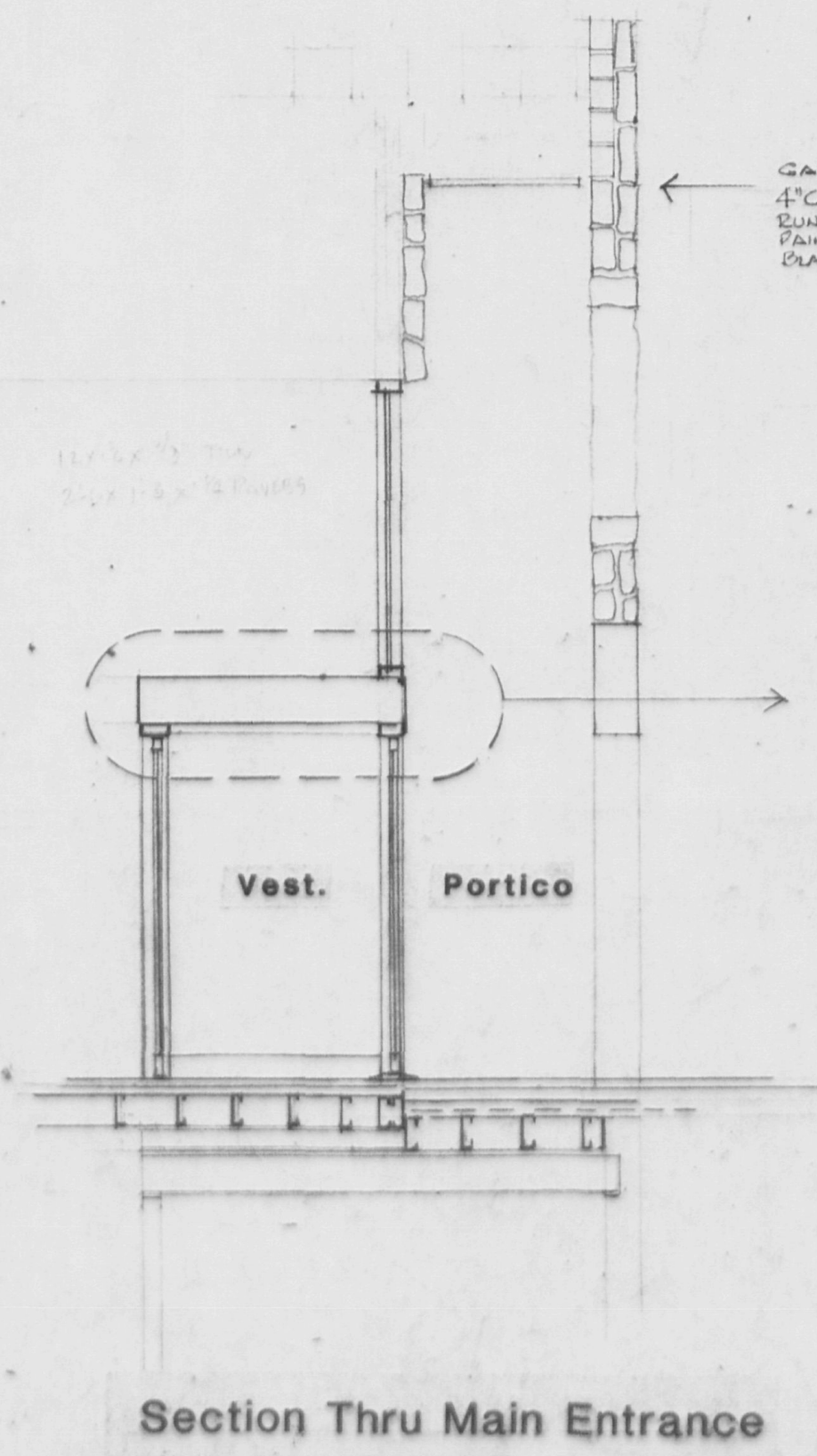
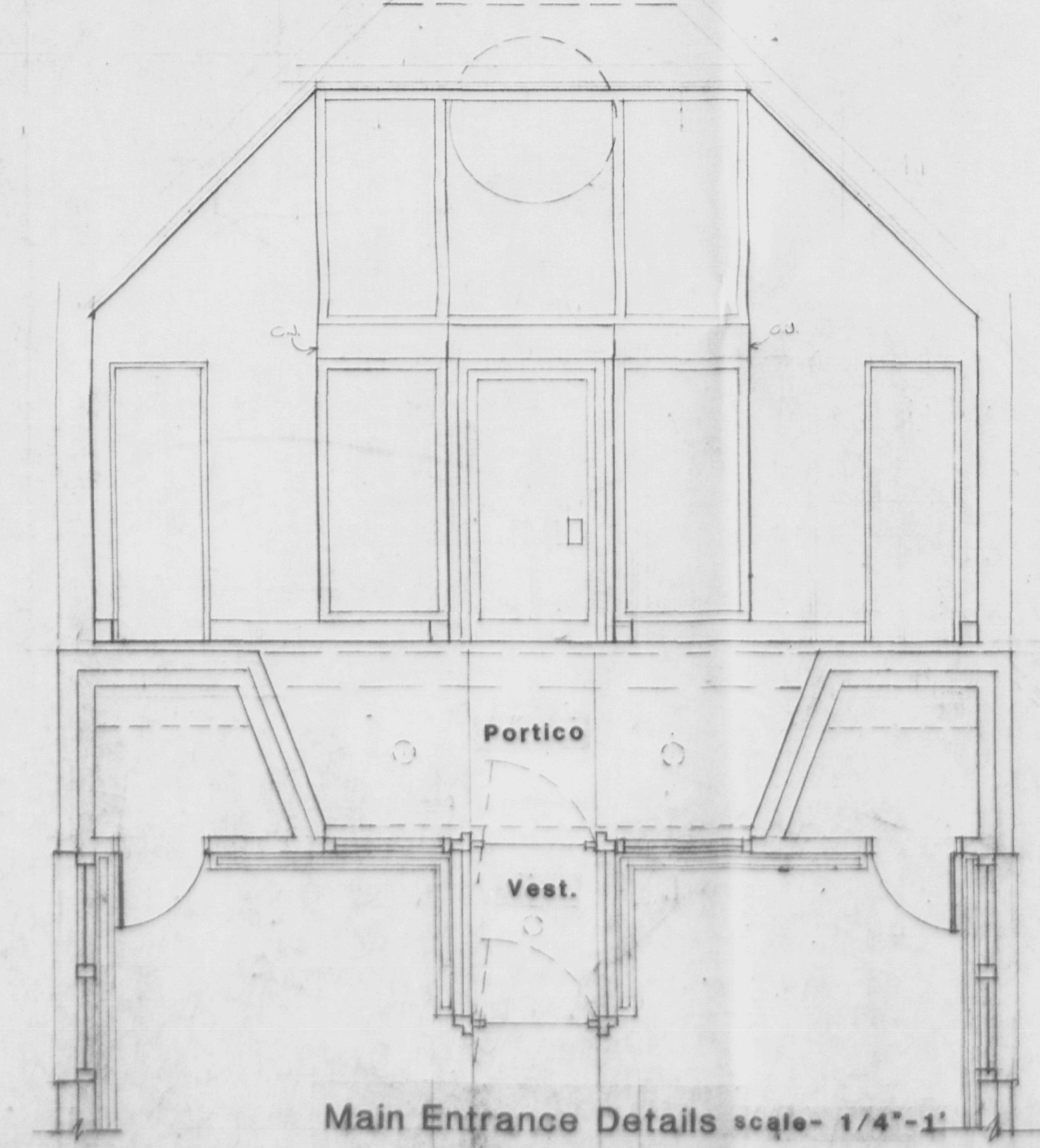
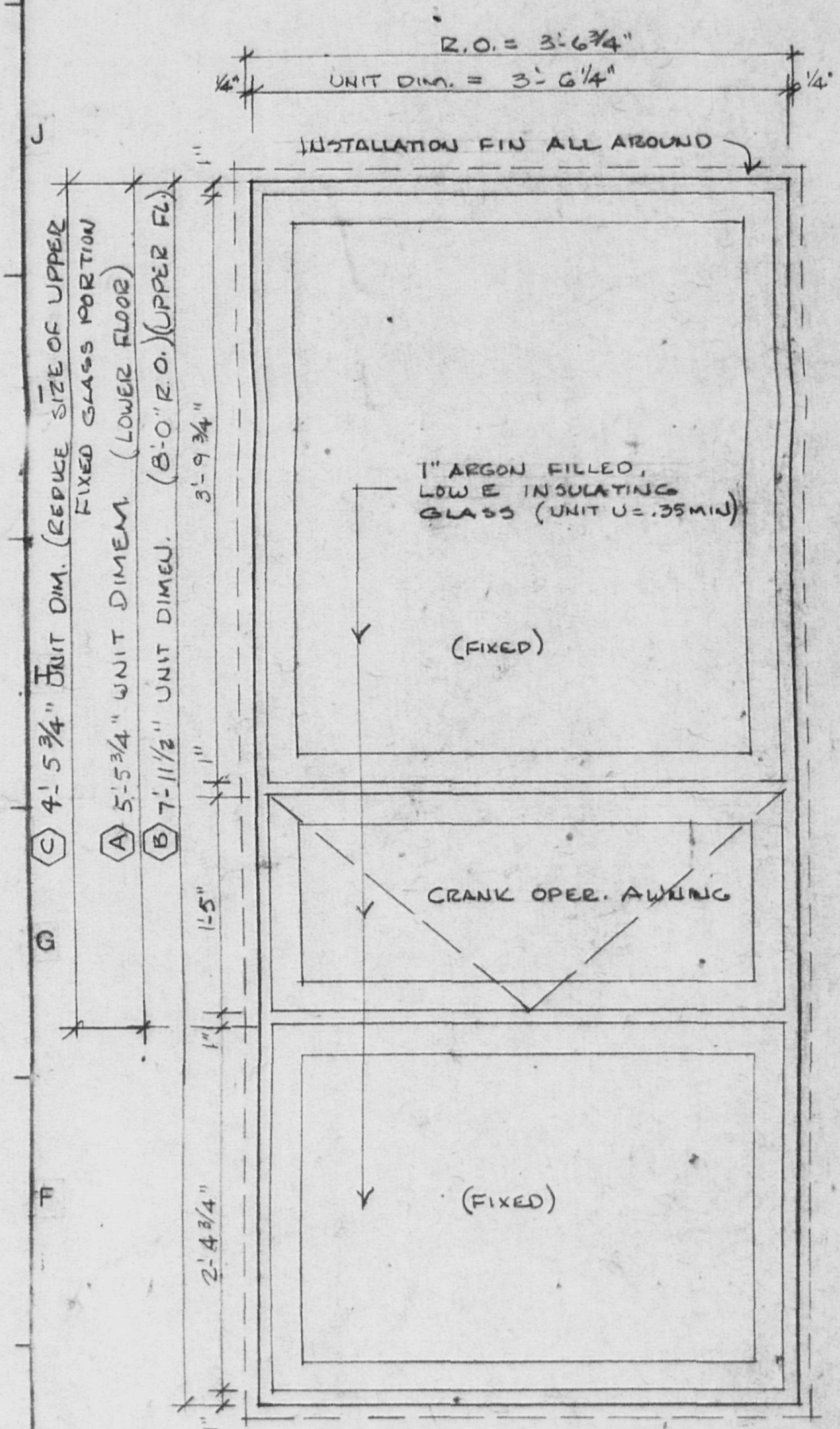
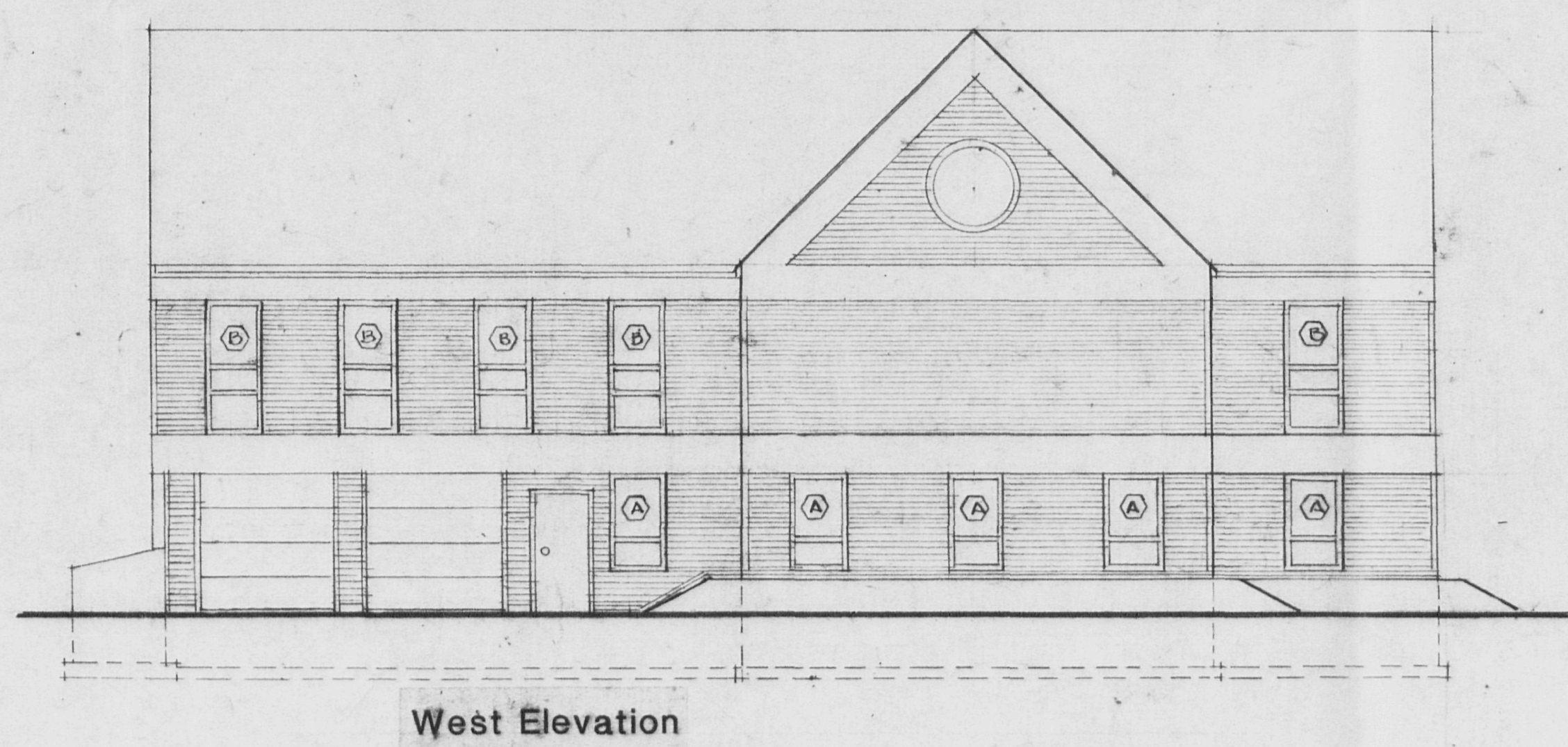
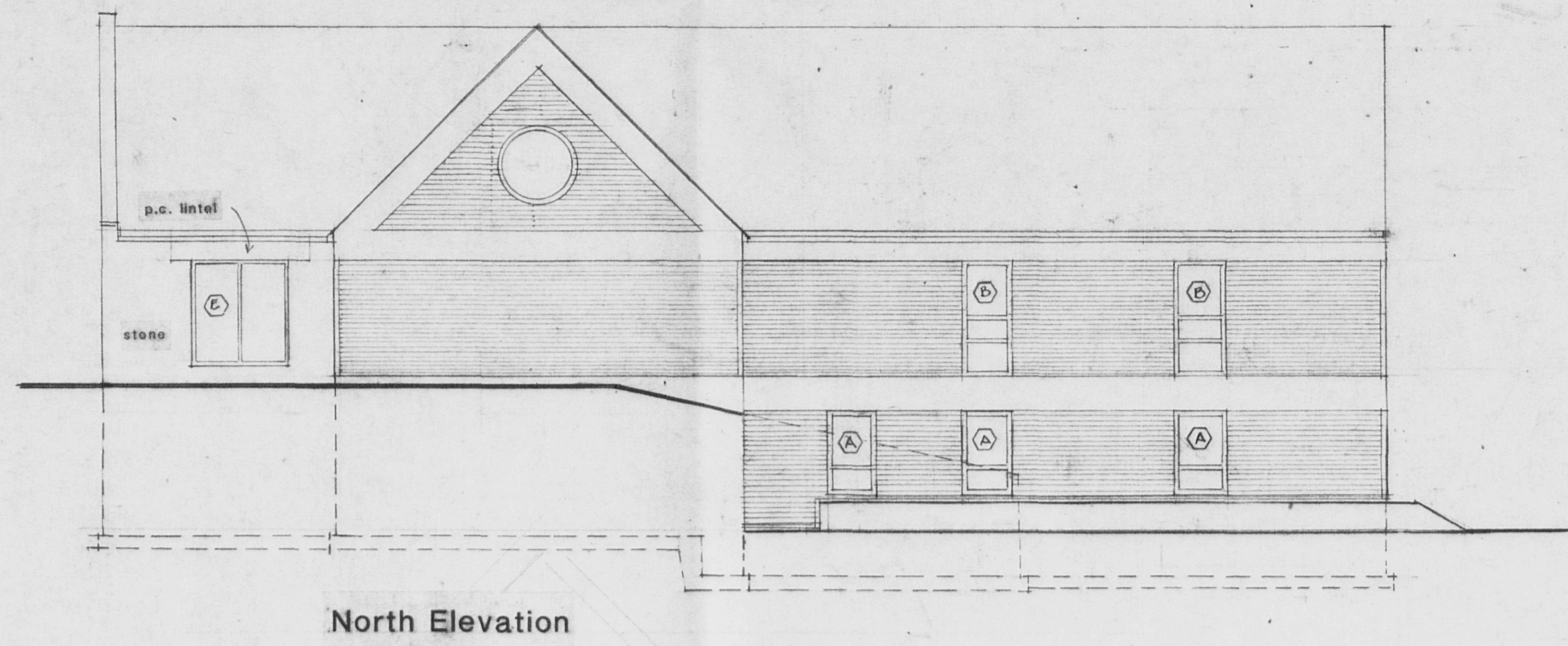
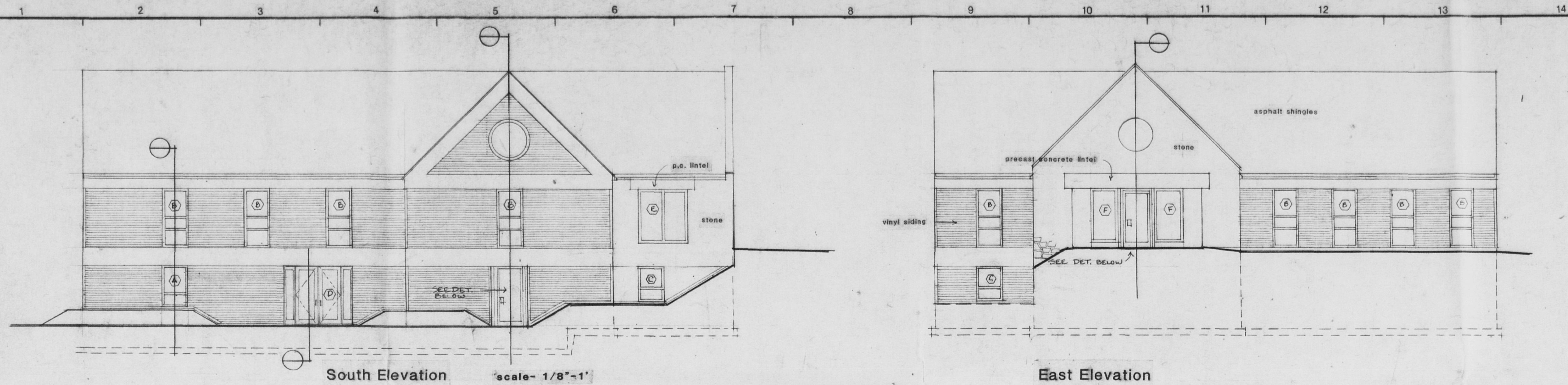
PROJECT DESCRIPTION: This building is to house the offices of a business involved in the sales and installation of vinyl windows and siding. It contains approximately 3,800 s.f. on each of two floors. It contains normal office space plus space for telemarketing, personal training, and incidental short term storage of supplies for field crews. The Owners intend that this building be prestigious and architecturally very attractive.

Table of Use/Build Regulations Planned Industrial (PI) Town of New Windsor													
A	B	C	D	E	F	G	H	I	J	K	L	M	N
Use Permitted by Right	Use by Special Permit of the Planning Board or Town Board	Minimum Lot Area (square feet) unless otherwise indicated	Minimum Lot Width (feet)	Required Front Yard Setback (feet)	Required Side Yard Setback (feet)	Required Rear Yard Setback (feet)	Required Driveway Frontage (feet)	Maximum Building Height (feet)	Floor Area Ratio	Minimum Lot Area (square feet)	Development Coefficient (percent)	Permitted Accessory Uses	Permitted Accessory Signs
14. Office building for general business		40,000	125	35	15/20	20	N/A	8 stories per lot of the size to the extent of the lot	0.6	N/A	N/A	1. Accessory parking. 2. Accessory loading. 3. Accessory repair. 4. Accessory to commercial, industrial, or institutional use, including but not limited to, storage, repair, maintenance, and parking, provided that such accessory buildings and structures are not more than 10 feet in height and are not more than 100 square feet in area.	10. Maximum of one sign per 250 square feet of floor area (38 spaces)
PROVIDED													
Office building for business		69,300	150	105/24	35/128	230		14'-eave 28'-peak	0.11			comply	comply



No.	REVISIONS	DATE
WITFIELD ARCHITECTURAL GROUP BOX 517, 291 MOUNTAIN ROAD CORNWALL-ON-HUDSON, NEW YORK 12520-0517 (914) 534-4850 FAX (914) 534-4706		
CONSULTANT		
PROJECT: Insul-sash Office Building New Windsor, N.Y.		
DRAWING TITLE: SITE PLAN		
DESIGNED: DW	PROJECT NO.	C1.1
DRAWN: PJS	SCALE: AS NOTED	
CHECKED:	DRAWING NO.	
DATE: 12/6/95		





No. REVISIONS		DATE
<b>WITFIELD ARCHITECTURAL GROUP</b> BOX 517, 291 MOUNTAIN ROAD CORNWALL-ON-HUDSON, NEW YORK 12520-0517 (914) 534-4650 FAX (914) 534-4708		
PROJECT <b>Insul-sash Office Building</b>		
B <b>New Windsor, N.Y.</b>		
DRAWING TITLE <b>ELEVATIONS, ENTRANCE DETAILS</b>		
DESIGNED	PROJECT NO.	<b>A2.4</b>
DRAWN	SCALE	
CHECKED	DRAWING NO.	
REVIEWED		
DATE		